

Attorney Docket No: 21295.41

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Frank Olschewski and Jochen Nickel
Confirmation No: 5943
Serial No.: 09/683,795 Art Unit: 2671
Filed: February 15, 2002 Examiner: Sealy, Lance W.
For: *Method and Arrangement For Imaging and Measuring
Microscopic Three-Dimensional Structures*

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the United States Postal Service on the date shown below to 703-872-9306 addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Maria EliseevaJune 30, 2004

Date

By Fax: 703-872-9306

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REQUEST TO WITHDRAW FINAL ACTION

This communication is submitted as agreed in the phone conversation with Mark Zimmermann, supervisor at GAU 2671. Applicant respectfully requests that the Final Office Action of December 31, 2003 be withdrawn.

As follows from the enclosed copy of Amendment, it was filed by fax with the PTO on December 17, 2003. The facsimile transmission report, as well as certificate of facsimile transmission, is shown in the attached Amendment. The December 17, 2003, Amendment was filed in response to the Office Action of July 16, 2003 and discussion of the Claims with Examiner Sealey over the phone. The December 17 Amendment put the Claims in condition for allowance by rewriting the objected to Claim 8 in the independent

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format (as amended Claim 1), making the new Claim 1 and its dependent Claims 2-7, and 9-11 allowable (Claims 12-18 were allowed).

That December 17 Amendment has never reached examiner Sealy, and the patent Office issued the Final Office Action on December 31, 2003 instead of allowance.

Applicant respectfully requests that the Final Office Action of December 31, 2003 be withdrawn.

Applicant believes that no fee is due with this request. If any fee is due, please charge it to our deposit account 502233.

Respectfully submitted,

Houston Eliseeva LLP

By: Maria Eliseeva

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June 30, 2004

 *** TX REPORT ***

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PTO/SB/21 (03-03)
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/883,795
	Filing Date	February 15, 2002
	First Named Inventor	Frank Olschewski
	Art Unit	2671
	Examiner Name	Sealey, Lance W.
Total Number of Pages in This Submission	7	Attorney Docket Number 21295.41

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div style="border: 1px solid black; height: 80px; width: 100%;"></div>		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	Maria M. Eliseeva, Reg. No. 43,328	
Signature	<i>Maria Eliseeva</i>	
Date	December 17, 2003	

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:	
	December 17, 2003

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0851-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/683,795	
	Filing Date	February 15, 2002	
	First Named Inventor	Frank Olschewski	
	Art Unit	2671	
	Examiner Name	Sealey, Lance W.	
Total Number of Pages in This Submission	7	Attorney Docket Number	21295.41

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Maria M. Eliseeva, Reg. No. 43,328
Signature	<i>Maria Eliseeva</i>
Date	December 17, 2003

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Typed or printed	Deborah Celeste		
Signature	<i>Deborah Celeste</i>	Date	December 17, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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